

1 Raymond Franks
2 California State Prison, Solano
3 Fac. 2, Bldg. 12, Cell 234
4 P.O. Box 4000
5 Vacaville, CA 95696
6 CDC No. V-D8354

FILED

JUL 17 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

9 In The United States District Court for the Northern District of California

10
11 Raymond Franks,
12 Petitioner,
13 v.
14 D.K. Sisto, Warden,
15 Respondent.

No. C 08-01525 SBA (PR)
Request for Order Extending Time
To File Status Report; RE:
Stay

16
17 To: The Honorable Sandra Brown Armstrong, United States
18 District Judge for the Northern District of California:

19
20 Petitioner, on his own behalf, moves the court for an order
21 extending time to file his first status report regarding stayed
22 proceedings, to and including July 16, 2008. This motion is based
23 on Petitioner's attached declaration in support of the motion.

24
25 Dated: July 14, 2008

26 Raymond Franks
27 Raymond Franks
28

Declaration of Raymond Franks in support of request for Extension

I, Raymond Franks, declare:

1. In this court's order staying habeas Proceedings, et al., filed June 12, 2008, the order Petitioner to file quarterly reports, commencing thirty (30) days from the date of that order, which was June 11, 2008.

2. According Petitioner had to either July 11th or 12th 2008 to timely file his first Status reports.

3. Petitioner does not prepare his own legal paper; he instead enlists the assistance of a writ writer (i.e., a jailhouse lawyer).

4. On or about June 19, 2008, a racial disturbance occurred between Black and White inmates, resulting these two ethnic groups being on lockdown.

5. The lockdown created an impediment to Petitioner's timely filing of his "first" status report; in that, Petitioner had to get the court's order to the writ writer, who resides in a different building than Petitioner. Then, the writ writer had to, in turn, get the prepared status report to Petitioner, for mailing to the court.

6. The above-mentioned Process surpassed the deadline for filing the first status report, provided for by the court.

1 7. Once Petitioner received the Prepared Status report, he
2 Promptly mailed it to the Court.

3
4 Wherefore, it is respectfully requested that this Court
5 grant an extension of time to and including July 16, 2008,
6 with which to file said brief.

7
8 Dated: July 14, 2008

9
10 Raymond Frank J.

11 Raymond Franks

12 In Pro Se
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1 Raymond Franks
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4 P.O. Box 4000
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6 CDC No. V-08354

7
8
9 In The United States District Court for the Northern District of California

10
11 Raymond Franks,
12 Petitioner,
13 V.
14 D.K. Sisto, Warden,
15 Respondent.

No. C-08-01525 SBA (PR)
Status Report: Re Stayed
Habeas Proceedings

16
17 Pursuant to the Court's Order, dated 6-11-08, Petitioner
18 reports that his State habeas Corpus Petition is currently
19 Pending in the California Supreme Court, in habeas Proceeding,
20 no. S163890. (See Exhibit A, attached hereto.)

21
22 Dated: July 14, 2008

23
24 Raymond Franks
25 Raymond Franks
26 In Pro Se
27
28

EXHIBIT COVER PAGE:

Exhibit: A

Description of this exhibit: Cover sheet to the State habeas corpus
Petition

Number of pages of this exhibit: 1 pages

JURISDICTION: (Check only one)

☐ Municipal Court

☐ Superior Court

☐ Appellate Court

☐ State Supreme Court

☒ United States District Court

☐ United States Circuit Court

☐ United States Supreme Court

☐ California Department of Corrections, 602 Exhibit.

☐ Other: _____

Exh. A

Name Raymond Franks
 Address California State Prison, Solano
P.O. BOX 4000, Bldg. 12, Cell Z34u
Vacaville, CA. 95696
 CDC or ID Number V-08354

 SUPREME COURT
ORIGINALLED

MAY 28 2008

Frederick K. Ohlrich Clerk

California Supreme Court

Deputy

(Court)

PETITION FOR WRIT OF HABEAS CORPUS

No.

S163890

(To be supplied by the Clerk of the Court)

<u>Raymond Franks</u>
Petitioner
vs.
<u>D. K. Sisto, Warden</u>
Respondent

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court [as amended effective January 1, 2007]. Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:

- ☒ A conviction
 ☐ Parole
☐ A sentence
 ☐ Credits
☐ Jail or prison conditions
 ☐ Prison discipline
☐ Other (specify): _____

1. Your name: Raymond Franks
 2. Where are you incarcerated? California State Prison (Solano)
 3. Why are you in custody? ☒ Criminal Conviction ☐ Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

sexual abuse of a child and lewd act upon a minor

- b. Penal or other code sections: Cal. Penal Code. Sections 288(a), 288(c) (1) 288.5(a)
 c. Name and location of sentencing or committing court: Superior Court for the County of Alameda

- d. Case number: 145147
 e. Date convicted or committed: Sept. 6, 2003
 f. Date sentenced: October 2, 2003
 g. Length of sentence: 18 years
 h. When do you expect to be released? E.P.R. 8-2018

- i. Were you represented by counsel in the trial court? ☒ Yes. ☐ No. If yes, state the attorney's name and address:

Thomas Broome - 1330 Broadway, ste. 833, Oakland, CA. 94612

4. What was the LAST plea you entered? (check one)

☒ Not guilty
 ☐ Guilty
 ☐ Nolo Contendere
 ☐ Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

☒ Jury
 ☐ Judge without a jury
 ☐ Submitted on transcript
 ☐ Awaiting trial

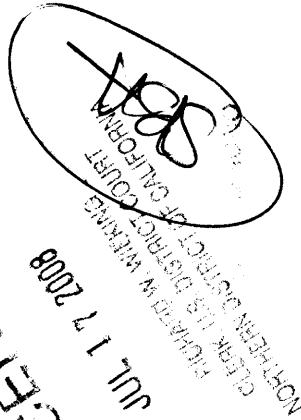
RAYMOND FRANKS VO8354
C.S.P. SOLANO
P.O. BOX 4000
YACHTVILLE, CA. 95696-4000

12-234_u



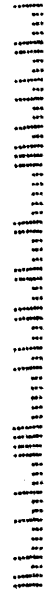
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JUL 17 2008



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DISTRICT OF CALIFORNIA
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

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Carnegie

7/14/08